

United States District Court
Eastern District of California

Philip J. Syzmore,

Petitioner,

vs.

Board of Prison Terms,

Respondent.

No. Civ. S-05-0775 MCE PAN P

Order

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Petitioner, a state prisoner without counsel, applied for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner names as respondent the Board of Prison Terms. The proper respondent is the warden at the prison where petitioner is confined. See Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

Accordingly, the court hereby orders that:

1. The Clerk of the Court shall send petitioner a petition for writ of habeas corpus.

2. Within 30 days, petitioner shall file an amended petition on the form provided, naming as respondent the warden at the prison where he is confined. Otherwise this action will be dismissed without prejudice.

Dated: May 12, 2005.

/s/ Peter A. Nowinski

PETER A. NOWINSKI

Magistrate Judge